

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JAMES CLARK KNOX,

No. 2:16-cv-01990-YY

Petitioner,

ORDER

v.

MARK NOOTH,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation on October 6, 2021, in which she recommends that the Court deny the Petition for Writ of Habeas Corpus. F&R, ECF 73. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections to the Magistrate Judge's Findings and Recommendation. Pet. Obj., ECF 78. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

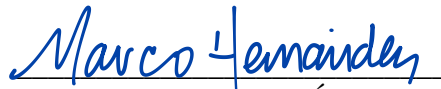
The Court has carefully considered Petitioner's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court adopts Magistrate Judge You's Findings and Recommendation [73]. Therefore, Petitioner's Petition for Writ of Habeas Corpus [17] is denied. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is DENIED. *See* 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED: December 29, 2021.


MARCO A. HERNÁNDEZ
United States District Judge